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GENERAL ASSEMBLY
Forty-fifth session
Items 23 and 77 of the
preliminary list*
QUESTION OF PALESTINE
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 27 April 1990 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued on 27 April 1990 at a briefing in the press centre of the Ministry of Foreign Affairs of the USSR.

I should be grateful if you would have this text distributed as an official document of the forty-fifth session of the General Assembly, under items 23 and 77 of the preliminary list, and of the Security Council.

(Signed) A. BELONOGOV

* A/45/50.

ANNEX

According to information being received, on 26 April - on the occasion of the observance of the end of the Muslim fast - units of the Israeli Army stormed the Jabalia Palestine refugee camp in the occupied Gaza Strip. The operation, commanded by the Chief of the Israeli General Staff, D. Shomron, employed tanks and military helicopters. Israeli soldiers broke into homes and mosques and carried out mass searches and arrests.

In protest, Palestinians began massive demonstrations in Gaza. Although the demonstrators employed exclusively peaceful means, without using weapons, the Israeli troops fired on them. As a result, at least two Palestinians were killed and about one hundred wounded.

The Soviet Union roundly condemns this cruel and criminal action by the Israeli soldiery and demands an immediate end to the acts of repression against the civilian population, the systematic violations of human rights and the insulting of the religious feelings of the faithful.

All these actions fall clearly within the overall context of the unlawful policy pursued by Israel in the occupied Arab territories, consisting in the continual establishment there of new illegal settlements and the settling of Jewish immigrants. That policy must be firmly resisted by the entire international community.

It is high time for the Israeli leadership to realize that reliance on repression and brute force will lead their country down a blind alley and undermine peaceful efforts in the region. Once again we appeal to Israel to heed the voice of reason and to make a genuine choice in favour of peace based on law and justice.

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1 May 1990

ORIGINAL: ENGLISH

Forty-fifth session
Item 33 of the preliminary list*

LAW OF THE SEA

Letter dated 1 May 1990 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text of the Decree on a Modification to Decree No. 4650, dated 9 March 1970, on the State Border of the People's Socialist Republic of Albania, published in the Official Newspaper, No. 2, March 1990.

I should be grateful if you would have the present letter and the annex distributed as an official document of the General Assembly under item 33 of the preliminary list.

(Signed) Bashkim PITARKA
Permanent Representative of the
People's Socialist Republic of Albania
to the United Nations

* A/45/50.

ANNEX

Decree on a Modification to Decree No. 4650, dated 9 March 1990, on the State Border of the People's Socialist Republic of Albania

In conformity with Article 78 of the Constitution,

On the proposal of the Council of Ministers,

THE PRESIDIUM OF THE PEOPLE'S ASSEMBLY OF THE PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA

DECIDED:

Article 1

The first paragraph, Article 4, of Decree No. 4650, dated 9 March 1970, should be modified as follows:

"The territorial waters of the People's Socialist Republic of Albania are extended along the entire coastline over a width of 12 nautical miles (22,224 m), beginning with the basic straight line running from Rodon Cape (Muzhli), Palla Cape, Lagji Cape (Turra Castle), Seman Cape, the Josa river estuary, the north-eastern shore of Sazan Island, Gjuheza and Grama Gulf Cape, then between the Albanian shore and the Greek islands up to the middle of the Corfu Channel. The width of the territorial waters from the Buna river estuary to Rodon Cape is extended up to the Albanian-Yugoslav border line."

Article 2

This decree enters into force 15 days following its publication in the Official Newspaper.

Tirana, 24 March 1990
Decree No. 7366

FOR THE PRESIDIUM OF THE PEOPLE'S ASSEMBLY OF THE PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA

Secretary
Sihat TOZAJ

Chairman
Ramiz ALIA

READEX FICHE

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Forty-fifth session
Item 111 of the preliminary list*

INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING

Letter dated 20 April 1990 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to transmit the text of the London Declaration adopted unanimously on 11 April at the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London in association with the United Nations from 9 to 11 April 1990.

I have the honour also to request that it be circulated as an official document of the General Assembly under item 111 of the preliminary list.

(Signed) Crispin TICKELL

* A/45/50.

ANNEX

Declaration of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990

INTRODUCTION

We, the States* participating in the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat,

Deeply concerned by the magnitude of the rising trend in the illicit demand for narcotic drugs and psychotropic substances in countries throughout the world, which is a grave and persistent threat to the health and well-being of mankind and to the lives and dignity of millions of human beings, most especially young people,

Conscious that the problem of illicit demand is not confined to developed, industrialized countries which provide the main economic market for illicitly produced narcotic drugs and psychotropic substances and that it now increasingly affects developing countries as well,

Believing that national and international action to combat drug abuse and illicit trafficking requires not only continuing enhancement of the efforts to reduce the illicit production, supply, trafficking and distribution of narcotic drugs and psychotropic substances, but also calls for urgent measures at the national and international level, to reduce the illicit demand for drugs,

Believing also that action to tackle the problem of drug abuse often requires a partnership between international organizations, national authorities and non-governmental organizations at the regional, national and community levels and acknowledging that non-governmental organizations have been major contributors to the provision of demand reduction programmes.

Convinced that, in order to deal with this plague affecting society, a balanced approach is needed and that the prevention of drug abuse and treatment and rehabilitation of drug abusers should therefore be accorded the same importance in policy and in action as the reduction of illicit supply and illicit trafficking,

Alarmed by the devastating damage to individual health and community life which cocaine in all its forms, particularly including crack, has wrought in some countries and by the massive outbreak of crime and violence which has sometimes accompanied it,

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* References to States in the present Declaration should be understood to refer also to regional economic integration organizations within the limits of their competence.

Noting, with grave concern, the sharply rising trend in seizures of cocaine by law enforcement authorities, not only in Western European countries but in many other countries also, which suggests that determined efforts are being made by ruthless criminal organizations to develop new markets for cocaine to add to the continuing problem of heroin and other drugs,

Recognizing the illicit traffic in drugs as a part of the much wider world of crime undermining human life and society,

Noting also that the large financial profits derived from illicit drug trafficking and related criminal activities enable transnational criminal organizations to penetrate, contaminate and corrupt the structure of Governments, legitimate commercial activities and society at all levels, thereby vitiating economic development, distorting the process of law and undermining the foundations of States,

Mindful of the results already achieved by the United Nations and its specialized agencies in the field of drug abuse control, including the Declaration and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, adopted at the International Conference on Drug Abuse and Illicit Trafficking in 1987, the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances as well as the positive action undertaken by the Division of Narcotic Drugs of the Secretariat, the International Narcotics Control Board and its secretariat, and the United Nations Fund for Drug Abuse Control,

Welcoming and endorsing, in its entirety, the Declaration and the Global Programme of Action adopted at the seventeenth special session of the United Nations General Assembly in New York in February 1990,

Rejecting the legalization of unauthorized or uncontrolled production, traffic, supply and possession of narcotic drugs and psychotropic substances and reaffirming our treaty-based commitments to, and belief in, the control of such substances under the 1961 United Nations Single Convention on Narcotic Drugs, or that Convention as amended by the 1972 Protocol, the 1971 United Nations Convention on Psychotropic Substances and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

Believing that the said Global Programme of Action constitutes a viable and realistic basis for action to tackle the problem of drug abuse and illicit trafficking over the next decade and that priority should now be given by national authorities and interested organizations to translating it into action at the national, regional and international levels and to ensuring that the United Nations has sufficient resources and the necessary structure to enable it to undertake an enhanced role in accordance with the expectations of the international community,

Agree on the following:

REDUCTION OF ILLICIT DEMAND FOR NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

National strategies

1. We commit ourselves to giving higher priority to prevention and reduction of the illicit demand for narcotic drugs and psychotropic drugs at the national and international levels. States that have not yet adopted national strategies, plans and programmes for combating drug abuse will give urgent attention to elaborating, adopting and implementing them through the necessary policy and legislative adjustments. Those States that have already adopted such strategies, plans and programmes will endeavour constantly to improve their effectiveness.

2. National strategies in the health, social, education and legal fields, as well as in the field of the criminal justice system, shall contain programmes for the prevention of drug abuse and for the treatment, rehabilitation and social reintegration of drug abusers and drug-addicted offenders with a view to supplementing and enhancing deterrent and enforcement action by legal and police authorities. These programmes should be in conformity with the guidelines for action at the national level set out in chapters 1 and 4 of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control.

Allocation of increased resources

3. States undertake to the extent possible to allocate increased resources at the national level to programmes and services for prevention, treatment, rehabilitation and social reintegration. Developed countries further undertake to increase their technical co-operation, bilaterally or through the United Nations, with developing countries in order to assist them in elaborating, adopting and implementing such programmes.

Community initiative

4. Particular efforts should be made at local community and neighbourhood levels, and at the level of the individual family, to address local problems as perceived by the community, which may mitigate the initiation and continuation of drug misuse. In implementing this approach, particular importance should be given to responding to the aspirations and needs of young people. We encourage community associations, parent groups, religious and other institutions to join with public services in carrying forward these efforts.

Educational strategies

5. Education about drugs should be developed, to the extent possible, at all stages of education at school. Such curricular provision is best set in the context of an overall programme of health education in which due attention is paid to the harmful effects of other substances, including, in particular, alcohol and tobacco. It should aim to encourage children to recognize the benefits of adopting a drug-free and healthy lifestyle, to give them accurate information about the harmful effects of drugs and to provide them with the necessary skills to be able to resist pressures to take drugs. Educational activities should be complemented by school policies that actively promote a drug-free environment.

6. Appropriate measures should be taken to provide for the co-ordination of education about drug abuse between central and local government, schools, health institutions and services, police, youth organizations, local drugs agencies, local communities, and parents to ensure that the messages young people receive about drugs are consistent and complementary. Training about drugs should, so far as possible, be provided for teachers from all disciplines to alert them to the mental and physical effects of drugs and to guide them in taking appropriate action. Teachers in particularly relevant disciplines should receive appropriate specialized training at both initial and in-service levels. States should also ensure the availability of appropriate teaching materials for use with young people.

7. In order to prevent overprescribing of, and dependence on, psychotropic substances, information on the rational utilization of those substances and pharmaceutical preparations containing them should be incorporated into the curricula of training institutions for health care personnel.

Drug demand in the workplace

8. Employers should be encouraged to develop and implement drug prevention programmes in the workplace. These are best set in the context of a broad-based health promotion policy. Prevention, early intervention, treatment and rehabilitation should be available. Employers should be encouraged to arrange training for managers and supervisors designed to alert them to the mental and physical effects of drugs and to guide them in taking appropriate action.

Media campaigns

9. Information and education programmes should be used to prevent the abuse of narcotic drugs and psychotropic substances and to increase awareness of their harmful effects. The results of all such programmes should be evaluated. Inasmuch as mass media campaigns in a situation of low prevalence of use may be counter-productive, particular care should be taken to ensure that they are valid, credible, well-targeted and non-discriminatory towards the victims of drug addiction and HIV infection. To reduce the risk of such campaigns having unintended effects, the drug prevention messages they contain should be the subject of pre-testing.

10. We emphasize the importance of the role of the mass media in forming opinions and attitudes about drug abuse. We commend the guidelines for national policy regarding the role of the media, which are to be found in chapter 1 of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control. In this context accurate information might be made available to the mass media and their help sought.

11. We consider that, in line with the spirit of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the drug prevention messages communicated in national education and information programmes and the substance of the appropriate criminal law should reflect a coherent policy approach.

Research into causes and epidemiology of drug misuse

12. We acknowledge the importance of undertaking more research into the underlying factors which may give rise to illicit demand. We will give special consideration to addressing the social, psychological and other issues which may emerge from this research.

13. In the context of the prevention of drug abuse and the treatment and rehabilitation of drug abusers and drug-addicted offenders, we underline the importance of developing national systems to assess the extent of drug abuse and to collect data on trends of abuse. We endorse the action proposed in this respect in paragraphs 12 to 17 of the Global Programme of Action.

Treatment and rehabilitation

14. We consider counselling, treatment, rehabilitation and social reintegration of drug abusers to be promising measures for the reduction of the demand for narcotic drugs. We emphasize the necessity of developing comprehensive treatment options meeting the needs of different groups of drug abusers in national programmes. These options should range from outreach, detoxification, treatment, and social and rehabilitation services at the local or regional level, whose operational characteristics are primarily directed to addicts' needs. We will seek to provide a social infrastructure which will enable improved living conditions, adequate employment and recreational opportunities for those affected by drug abuse.

15. All measures should aim to motivate drug abusers to lead a drug-free life. However, this cannot always be achieved rapidly. For this reason we also have to accept partial objectives to avert major impairments of health for the drug addicts. In some countries this includes attendance of, and keeping in contact with, addicts in the drug scene by street workers, easily accessible options enabling the addict to pursue everyday needs and finally detoxification. Some countries consider in appropriate cases methadone maintenance to be advisable for addicts of opiate drugs under strict medical supervision and with psychosocial attendance. In addition to that, we endorse the guidelines set out in chapter 4 of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and call for them to be translated into action. We endorse also the action proposed in paragraphs 30 to 37 of the Global Programme of Action.

Response to HIV disease/AIDS

16. We believe that the threat of the spread of HIV infection and AIDS is such as to make the prevention of drug abuse even more important than before. Faced with that threat, we believe that more strenuous efforts must now be made by all countries to draw greater numbers of drug abusers, particularly those who inject, into contact with treatment services and agencies. Such services can include both drug-free and methadone maintenance programmes. Increased availability of sterile syringes and needles and needle exchange schemes have been proposed and implemented in a limited number of countries as ways to decrease the spread of HIV infection by addicts sharing needles, although the efficacy of these programmes is disputed. Countries have or considering implementing exchange programmes should take

particular care to ensure that they do not promote drug abuse and that they are operated as part of a more comprehensive programme that encourages users to enter treatment. There should be full consultation with all local health, social and enforcement agencies, where appropriate, in framing such schemes, which should have carefully built-in evaluation procedures.

Local drug liaison committees

17. We believe that inter-agency co-operation at the local community and neighbourhood levels is vital in drawing up effective programmes and services for drug prevention and for the treatment, rehabilitation and social reintegration of drug abusers and addicts. We commend the practice of establishing local committees of all the relevant professionals including the police. Representatives of non-government organizations involved in the provision of programmes and services to drug abusers should be invited to participate in such committees.

Alternatives to prison

18. We will intensify our efforts to provide suitable alternatives to prison for drug-abusing offenders who wish to undertake treatment. Given the ambivalence of many drug abusers regarding giving up drugs, such alternatives should be carefully monitored and should contain appropriate safeguards to protect the community against the consequences of relapse. We will also strengthen provision within prisons to provide counselling and treatment for drug-abusing offenders and to ensure continuing support on release from prison.

Training for professionals

19. We underline the importance of providing suitable training for all professionals whose work brings them into contact with drug abusers and addicts. Training programmes relating to the latest developments and techniques in the management and treatment of drug abusers should be conducted more regularly at local and national level. Such training should cover AIDS, which should be tackled in its medical, psychological and social dimensions.

COMBATING THE COCAINE THREAT

Need for the Global Strategy

20. We are convinced that if we are to combat the cocaine threat now facing many parts of the world, in addition to the threat from heroin and other drugs, we must pursue strategies that are comprehensive and multidisciplinary in scope and that comprise measures to reduce illicit demand for cocaine and other drugs, to eliminate the cultivation of illicit crops and illicit drug trafficking, to prevent the use of the financial and banking systems for laundering funds derived from drug trafficking and to promote effective treatment, rehabilitation and social reintegration. We commit ourselves to do so.

21. We welcome and endorse paragraphs 38 and 39 of the Global Programme of Action dealing with the eradication and substitution of illicit production of narcotic

drugs, and eradication of illicit processing of such drugs and of illicit production and diversion of psychotropic substances. We believe these paragraphs have a particular relevance to the threat posed by cocaine.

Increased support for the United Nations Fund for Drug Abuse Control

22. We also welcome and endorse the proposal, in paragraph 42 of the Global Programme of Action, that the United Nations Fund for Drug Abuse Control should elaborate for consideration by States a subregional strategy covering all aspects of the drug abuse control and concentrating on the most affected areas where the problems are most complex and grave. We consider that the Andean subregion, where most of the world's coca is grown and illicitly processed into cocaine, as one such area, and we urgently request States to co-ordinate their national drug control plans and to increase their co-operation with the Fund in order to provide support for a suitable subregional strategy.

Cartagena Summit

23. We greatly welcome the Summit which took place on 15 February 1990 in Cartagena, Colombia, between the Presidents of Bolivia, Colombia, Peru and the United States of America. We believe that the Declaration of this Summit, setting forth detailed understandings regarding economic co-operation, alternative development, encouragement of trade and investment and attacking the traffic in illicit drugs, constitutes a significant milestone on the road towards combating the cocaine threat.

24. We associate ourselves with the understandings reached in the Declaration on alternative development and crop substitution in the Andean subregion, on mitigation of the social and economic impact there of the fight against illicit drug trafficking, on trade initiatives for the subregion, on incentives to export and on private foreign investment. We note that the parties to the Declaration intend to make concerted efforts to obtain the support of multilateral and other bodies for these programmes, as the three Andean countries implement or continue sound economic policies and effective programmes against drugs.

Crop substitution and eradication of illicit cultivation

25. We associate ourselves with the statements in the Declaration regarding eradication and discouragement of illicit crops. In particular, we agree that participation of the growers themselves is desirable; that new economic opportunities must be fostered in order to dissuade growers from initiating or expanding illicit cultivation; that law enforcement efforts to counter illicit cultivation and production must be strengthened within the framework of the national sovereignty of each of the parties; and that eradication programmes must safeguard human health and preserve the ecosystem. Subject to these caveats, we believe that more attention should be given to the scope for eradication of coca, including financial assistance for crop substitution. We also feel that greater emphasis should be given to the identification and development of markets for forest products and extractives that will provide additional sources of income to people who dwell in or on the margins of natural forests, thereby providing

incentives for the conservation of their forest resources. More attention should also be given to the negative environmental effects of the processing of illicit substances, particularly the damaging effect of such processing on water systems.

Monitoring and control of chemicals

26. As regards the processing of coca into coca paste and then cocaine, we attach the highest importance to measures taken by States to establish monitoring and control systems to prevent diversion from licit purposes of specific chemical substances, materials and equipment frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, in particular through the application of articles 12 and 13 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

27. We welcome and endorse the proposal in paragraph 46 of the Global Programme of action that consideration should be given to the convening of an international conference on the production and distribution of chemical products used in the illicit production of narcotic drugs and psychotropic substances, in order to co-ordinate efforts for more effective prevention of the diversion of precursor chemicals, specific substances, materials and equipment for illicit purposes. We consider it particularly important that representatives of manufacture and distribution enterprises should take part in the conference.

28. We believe that in regard to the processing of cocaine, there is a need for intensified effort by countries exporting and importing chemical products, and those countries through which those products transit, to establish effective monitoring and control systems.

Exchange of drugs intelligence information

29. We attached the highest importance also to developing effective arrangements, nationally, regionally and internationally, for greater exchange of information and sharing of intelligence in order to strengthen action by the competent law enforcement authorities. The posting of drugs liaison officers to countries particularly affected by the illicit consumption, production, supply, transit, trafficking and distribution of cocaine has a particular value in this context. We also recognize the merit of establishing national drugs intelligence centres, which bring together representatives of all the drug enforcement agencies and can collect, collate, analyse and dissemination information and intelligence about illicit drugs activities.

Co-operation with the transport industry

30. We stress the importance of close co-operation between law enforcement authorities and the transport and freight-forwarding industries. The authorities can help the industry to improve security and thereby prevent and detect use of transport for illicit trafficking. The industry can provide access for the authorities to information to assist with selection for examination of freight and means of transport. We commend the initiative of the Customs Co-operation Council in signing memoranda of understanding with international trade associations, and we undertake to promote those at national level with our carriers and trade bodies.

United Nations Convention against Illicit Drug Trafficking

31. We regard the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in 1988, as a vital weapon against those who ply the drug trafficker's evil trade. We attach particular importance in this context to those provisions dealing with the criminalization of money laundering, confiscation of assets, extradition, mutual legal assistance, co-operation between operational services, controlled delivery, substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances and illicit traffic by sea. We commit ourselves to making all necessary arrangements to ratify or accede to the Convention as soon as possible and meanwhile to apply its terms provisionally, to the extent we are able to do so.

Illicit traffic by sea

32. The Convention calls at many points for parties to conclude bilateral and multilateral agreements to enhance the effectiveness of their co-operation pursuant to the article in question. We see particular value in these agreements for co-operation in suppressing the illicit traffic by sea and call for the conclusion of more such agreements.

Illicit traffic by air

33. We welcome and endorse the proposals in paragraphs 58 and 86 to 89 of the Global Programme of Action and in this regard recommend to States the adoption of measures within their territories for the control of the transport of illicit drugs by air, as well as emphasizing the need for bilateral and multilateral technical co-operation agreements.

Identification and confiscation of proceeds of drug trafficking

34. Much progress has already been made in concluding bilateral and multilateral agreements for the identification and confiscation of the proceeds of drug trafficking, and we commit ourselves to accelerate our efforts in this regard so that there should be no safe havens for the proceeds of drug trafficking. We commit ourselves likewise to intensified action to conclude agreements whereby the tainted proceeds of drug trafficking may be tracked down and those who seek to launder them brought to justice and put out of business.

35. We welcome the forthcoming publication of the report of the Financial Action Task Force established following the Paris Summit of the Group of Seven in July 1989. We call for world-wide distribution and careful study of the Task Force's conclusions and recommendations.

APPENDIX

List of participants

A. States

Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gambia, Germany, Federal Republic of, German Democratic Republic, Ghana, Greece, Guatemala, Guyana, Holy See, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Liechtenstein, Liberia, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Malawi, Morocco, Mozambique, Myanmar, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sûdan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tonga, Tunisia, Turkey, Uganda, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire and Zambia.

B. United Kingdom Dependent Territories and Crown Dependencies

Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Guernsey, Hong Kong, Isle of Man, Jersey, Montserrat and Turks and Caicos Islands.

C. Specialized agencies of the United Nations system

Food and Agriculture Organization of the United Nations, International Labour Organisation, United Nations Educational, Scientific and Cultural Organization and World Health Organization.

D. Intergovernmental organizations

European Economic Community, European Parliament, Commonwealth secretariat, Customs Co-operation Council, ICPO-Interpol, Organisation for Economic Co-operation and Development and Council of Europe.

E. United Nations bodies

United Nations Development Programme, United Nations Fund for Drug Abuse Control and Division of Narcotic Drugs of the United Nations Secretariat and International Narcotics Control Board secretariat.

F. Liberation organizations

Palestine

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Item 127 of the preliminary list*

JOINT INSPECTION UNIT

Project RLA/86/002 - Support for the foreign services of Latin America

Mid-term evaluation

Note by the Secretary-General

Addendum

The Secretary-General has the honour to transmit to the General Assembly his comments on the report of the Joint Inspection Unit entitled "Project RLA/86/002 - Support for the foreign services of Latin America - Mid-term evaluation" (A/43/627).

* A/45/50.

ANNEX

Comments of the Secretary-General

I. INTRODUCTION

1. The report of the Joint Inspection Unit entitled "Project RLA/86/002 - Support for the foreign services of Latin America - Mid-term evaluation" (A/43/627) was prepared in accordance with General Assembly resolution 42/218 of 21 December 1987, which invited the Unit to undertake more ad hoc evaluations of programmes and activities.

2. The project is one of the most important projects of the Third Regional Programme for Latin America and the Caribbean (1987-1991). At the same time, it should be noted that among the 10 regional projects with approved budgets similar in size it ranks ninth. The project was approved in October 1986. Preparations included extensive consultations with the Governments involved, including a regional meeting in August 1986 at Montevideo. The final version of the project was formally endorsed by the 17 participating Governments in 1987.

3. The project can best be understood as a second stage of an ongoing concern for improved understanding of the theory and practice of international relations in Latin America. In the first stage, beginning in 1980, resources were made available from the United Nations and other sources to assist in the development of an autonomous capacity in the region for the study of international relations. This was to be accomplished by supporting individual specialists, their academic institutions, research and writing, and regular academic meetings for the exchange and dissemination of studies and approaches. The overarching institutional framework of this explicitly academic endeavour is the Joint Studies Programme on the International Relations of Latin America (RIAL).

4. In the second stage, beginning with a pilot programme in 1986, the focus shifted from the theoretical to the practical, from study to application. The primary beneficiaries shift in this second stage from being individuals and institutions that study international relations to those responsible for foreign policy.

5. The fundamental logic of this approach is that the academic and the practical have much to contribute to each other, and a project designed explicitly to build on the experiences of or utilization by the other should be enriched.

6. In its report, the Joint Inspection Unit makes five recommendations, the gist of which is that the project should correspond to the field of competence of the Economic Commission for Latin America and the Caribbean (ECLAC) as mandated by the General Assembly and that a deeper involvement of Governments in project activities would ensure that their needs are properly addressed. The Secretary-General is in full agreement with this general approach. Specific comments on the recommendations follow.

II. SPECIFIC COMMENTS

Recommendation I

7. The execution of project RLA/86/002 falls within the competence of ECLAC. It should be noted that there is no other Latin American institution that is in a position to provide meaningful backstopping to the project's activities and that it was the participating Governments that requested the participation of ECLAC in the project. The objectives of the project must be seen in the broader context of the development needs of the region, in particular the need to improve the management of the public sector, of which the foreign services are an increasingly important component, thereby reinforcing the role of ECLAC as the executing agency.

8. As noted above, participating Governments collaborated in the design of the project during the preparatory period in 1986. Project activities have been defined jointly with Governments on the basis of objectives and outcomes specified in the project document. Further, Governments participating in the project have approved the method of execution.

Recommendation II

9. The Secretary-General fully supports this recommendation. With reference to the comment that "countries are particularly sensitive when it comes to the structure and functioning of their foreign services", it is significant that, to date, 18 Governments have officially indicated through their foreign ministries that they wish to participate in the project.

10. Every effort is being made to ensure that activities do not deviate from their objectives. In the two tripartite meetings that have been held - at Brasilia in December 1987 and Montevideo in November 1988 - Governments expressed support for the general direction of the project. In this connection, consideration might be given to libraries and archives and other subjects of interest.

Recommendation III

11. The project has fostered co-operation among training institutes in the region in the field of international studies, some of which are located outside the foreign service organizations. Although a de facto network has been established, an explicit arrangement does not exist. This matter will be brought to the attention of the participating Governments for their consideration.

Recommendation IV

12. Project RLA/86/002 has served as a catalyst for national projects that address particular needs of individual countries. This mechanism has proved particularly useful and has been specifically approved by the participating Governments during the tripartite reviews, and it is only at their request that ECLAC is involved as an executing agency. It remains the prerogative of Governments to select the appropriate modality for work in this area.

Recommendation V

13. During an August 1989 consultation meeting between Governments, the United Nations Development Programme (UNDP) and ECLAC, the Governments expressed interest in a new phase of the project. They agreed that the latter was becoming more responsive to their needs by providing more direct support to foreign ministry procedures and practices. One example is the organization of regional seminars on international negotiations for foreign service personnel. This emphasis also conforms to the recommendations of an external evaluation of the project carried out in December 1988.

14. Another consultation meeting will be held in mid-1990 to design the next project phase. Individual Governments will express their views on the modalities of execution but at this point there appears to be widespread support for a continuation of the model of a strong national component linked under the Regional Programme umbrella for the purpose of sharing experiences and receiving technical assistance from the executing agency.

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GENERAL ASSEMBLY
Forty-fifth session
Items 22, 92, 103, 104, 112, 113
and 142 of the preliminary list*
IMPLEMENTATION OF THE DECLARATION ON
THE RIGHT OF PEOPLES TO PEACE
EFFECTIVE IMPLEMENTATION OF
UNITED NATIONS INSTRUMENTS ON
HUMAN RIGHTS AND EFFECTIVE
FUNCTIONING OF BODIES ESTABLISHED
PURSUANT TO SUCH INSTRUMENTS
CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS
DEVELOPMENT AND STRENGTHENING OF
GOOD-NEIGHBORLINESS BETWEEN STATES

SECURITY COUNCIL
Forty-fifth year

Letter dated 1 May 1990 from the Chargé d'affaires a.i.
of the Permanent Mission of Israel to the United Nations
addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Somalia. I have underlined passages of special relevance.

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* A/45/50.

In view of the importance of this information, I have the honour to request that this attached extract be issued as an official document of the General Assembly, under items 22, 92, 103, 104, 112, 113 and 142 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

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ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

Printed for the use of the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and the Senate respectively

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* Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.

SOMALIA

Somalia is a one-party state ruled since 1969 by President Mohamed Siad Barre. He presides over the Somali Revolutionary Socialist Party (SRSP), the sole legal political party, and the Government through the presidentially appointed Council of Ministers. The President's clan, the Marehan, holds key positions, e.g., the President's eldest son, Abdurahman Mohamed Siad "Maslah", is Commander of the Armed Forces. A National People's Assembly, last elected on a single slate in 1984, is subordinate to the executive. Civil conflict continued during 1989, with an outbreak of rioting in the capital, Mogadishu, followed by official reprisals. Troops mutinied in the southern, central, and northern regions, and political ferment intensified.

The Somali Armed Forces (SAF) number over 35,000 troops. Internal security responsibilities, including for coping with the civil conflict, are shared by the National Army, the military police (MP), the Defense Intelligence Security Agency ("Hangaash"), the National Police, and the National Security Service (NSS). During 1989 army combat units and military police resorted to attacks on civilian villages, roundups, and summary executions as means of combating the antiregime Somali National Movement (SNM), other dissident groups, and rioters. Reformist groups made efforts during 1989 to curb the security services' arbitrary powers of detention, but were only partially successful.

Clans continued their age-old competition for waterholes and grazing lands, and at the national level the governing elite, based on the Marehan subclan, struggled with other clans for control of the country's few resources. Most of Somalia's estimated 8 million people manage a bare subsistence as herdsmen or farmers. The modern sector of the agricultural economy consists mainly of banana plantations located in the south. The chief exports are livestock and bananas. Mogadishu now has a population exceeding 1.5 million, many of whom are unemployed migrants from the countryside. Increasingly straitened conditions in the capital contributed to an increase in crime and to the potential for civil disorder, while life in the north has been severely disrupted by the civil conflict.

Despite some limited progress in the first half of the year, human rights in Somalia suffered sharp setbacks during 1989. A State Department-sponsored study (the Gersony report) documented massive human rights violations, committed by both government and, to a lesser extent, SNM forces in the 1988-89 fighting; the SAF murdered at least 5,000 unarmed civilians between May 1988 and March 1989. In the first half of 1989, the Government did release most political prisoners, including those whose cases had been publicized in the West, and strengthened the constitutional prohibition against arbitrary detention. However, on July 9, an unknown gunman shot and killed the Roman Catholic Bishop of Mogadishu. The Government detained for investigation several prominent Islamic leaders and other critics. On July 14, rioting broke out in Mogadishu as a result of the detentions, and several police officers were killed. The police and MP's responded to the killings by firing on the crowds. At least 100 people were killed and hundreds more injured in fighting throughout the city. (One human rights group claims 450 were killed.) On subsequent days and nights military units detained about 2,000 people, searched and looted houses, assaulted and sometimes shot

people in their homes, and summarily executed at least 46 young men, mainly Isaaks, at a nearby beach. In response to the growing political discontent, the President announced that multiple political parties would be allowed to organize and to contest elections to a new People's Assembly within 16 months. He offered to negotiate with dissident organizations, but his initial attempts had been rebuffed at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

During 1989 extrajudicial killing was employed as a method of warfare in Somalia's civil conflict. Government forces were the worst though not the only offenders. While some incidents could be attributed to poor leadership and training, the pattern of raids on civilian villages, reprisal killings, and summary executions suggested that extrajudicial killing had official sanction (see Section 1.g., for details). Following the extensive July disorders and killings, the President formed an investigating committee, but at the end of 1989 the committee had not released its findings, and the Government had not brought those responsible to justice. There have been persistent reports that the perpetrators were members of the Marehan subclan (Rer Koshin) to which the President and his family belong.

b. Disappearance

Disappearances continued to occur in Somalia during 1989. They were hard to distinguish from arbitrary arrests and detentions (see Section 1.d.) and extrajudicial killings, because these are not acknowledged by the authorities. For example, an interpreter employed by the U.S. Office of Military Cooperation has been missing since July 17 and is presumed to have been among the victims of the shootings at the beach.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Article 27 of the Constitution. Senior government officials repeatedly deny that it is practiced as a government policy and, in fact, instances of torture appeared to decrease in response to a governmental reform effort and international pressure. Some recently released short-term detainees complained, however, that they were subjected to forms of torture such as the "Mig," in which their hands and feet were tied together behind their backs with a rope, which was pulled tight so that the body was arched backwards, to resemble the swept-back wings of a Mig aircraft. The Canadian Centre for Victims of Torture continued to report seeing torture victims from Somalia.

Harsh prison conditions do not provide sanitation, adequate water, or medical care. Prisoners receive the absolute minimum of food necessary for survival because it is customary for food to be supplied from outside by their families. Amnesty International (AI) stated that the conditions at the maximum security prisons of Lanta Bur and Labatan Jirow, where political prisoners are often held incommunicado, were particularly life-threatening.

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Mistreatment of detainees sometimes results from negligence. In October, for example, at least 11 youths died of suffocation and dozens of others were hospitalized after police locked them in a steel shipping container. The authorities arrested the police official allegedly responsible for this incident.

d. Arbitrary Arrest, Detention, or Exile

Although Article 26 of the Constitution accords citizens the right to be formally charged and to receive a speedy trial, the Criminal Code was modified in 1970 to exempt crimes involving national security from time limits and rules of procedure. The Government has repeatedly shown an exceptionally broad interpretation of what constitutes national security and has used its powers in an arbitrary manner to detain, often incommunicado, suspected political opponents or critics. In the first half of 1989, in response to growing criticism of such abuses, the Government revised Article 26 of the Constitution to limit arbitrary detention. As a result, the security services in the early months of 1989 detained fewer persons and usually released them if evidence against them was lacking. (Normally, the National Security Court--see Section 1.e.--gives investigators a fixed time limit, with necessary extensions, to complete an investigation.)

Following the disturbances in July, however, mass detentions were resumed under a presidential decree (as provided for in Articles 82 and 83 of the Constitution) imposing emergency rule throughout the country. Many detentions seemed to have only an incidental investigative purpose, the main aim being to frighten possible opponents of the regime and silence criticism. Most of the detainees were released after a few weeks in military camps.

Prominent Somalis arrested in the investigation of the Bishop's assassination in July included the lawyer Dr. Ismail Jimale Ossoble, chief counsel for the defense in the February 1988 national security trial; Abdulkadir Aden Abdulle Osman, son of Somalia's first president; Sheikh Abdirahman Sheikh Ali Sufi, a senior religious leader; and three other imams. Dr. Jimale Ossoble and Mr. Osman were released in October 1989. The sheiks remained in detention at the end of the year. Also under detention were former cabinet ministers Aden Nur and Ba'adleh, who were arrested in July.

The number of detainees is difficult to estimate because the Government does not disclose such information, detainees are often held incommunicado, and at least 9 entities (National Police, NSS, Hangaash, military police, SRSP, the militia, the Custodial Corps, regional governors, and district commissioners) have the power to detain. The number probably fluctuated considerably during 1989, as the Government first released most detainees, then arrested about 2,000 people in July, and then released most of them after a few weeks. In conjunction with the October 21 national day celebrations, the President amnestied over 1,160 detainees and prisoners. Most of these detainees had been held on criminal charges, but some may have been detained for minor political offenses such as making "tribalistic" remarks.

The Somali security forces also practice the taking of hostages in interclan conflicts. In disputes between rival clans, the Government may order the arrest of senior members

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of both clans in order to compel an end to the violence. The most recent example of this practice occurred in June when a minority Darod clan began attacking members of the Hawiya clan in and around Mogadishu. The Government arrested members of both clans and dictated peace terms between the parties; when peace was assured the hostages were released.

The Government does not practice exile as a means of political control. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Somali judicial system includes civil and criminal courts, and a separate National Security Court. Lawyers are permitted to represent suspects before the National Security Court, but proceedings are usually held in camera. Although nominally independent, the judiciary is in fact not distinguishable from the executive, which reviews and controls judicial decisions. All judges in the Supreme Court and lower courts are appointed by the President with the advice of the higher judicial council, of which the President is chairman. Judges of the National Security Court generally are military officers posted to the Court.

Law No. 54 of 1970 provides the death penalty for political offenses "against national security," defined as behavior "which may be considered prejudicial to the maintenance of peace, order and good government." Among the 20 offenses punishable by death are "organizing a subversive association" (Article 3), "exploiting religion for creating national disunity" (Article 12), and "publishing antistate propaganda" (Article 18).

In the civil and criminal courts, legal assistance is provided, and there are established rules of evidence. There are no religious courts in Somalia. In civil proceedings relating to family matters, such as marriage and inheritance, the judge may cite prevailing Islamic Shari'a law in rendering decisions. The right to appeal exists in criminal and civil cases but not in cases heard by the National Security Court. For persons convicted by the National Security Court, the only avenue for clemency is through the Politburo of the SRSP.

Only one trial before the National Security Court received publicity in 1989. This was the November conviction and sentencing to death of five persons accused of embezzling funds from the Commercial and Savings Bank. These were the first death sentences announced in Somalia in over a year. It appeared that some of those convicted were still at large. At year's end none of the death sentences had been carried out. By midyear most political prisoners had been released. Most of the thousands of persons detained in July were also released. Few if any detainees were tried and convicted of political offenses.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Under the umbrella of the National Security Act, the security forces routinely search the homes of citizens for weapons and printed material critical of the Government. These searches are carried out without a warrant or the consent of the searched. No probable cause is required (see Section 1.g.). The telephone conversations and mail of suspected persons are

monitored, and anyone in the country suspected of political activity is subject to surveillance.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

About 500,000 people fled the outbreak of fighting in northern Somalia in 1988. A U.S. Government-sponsored 1989 study (the Gersony Report), based on 300 interviews with displaced persons and refugees (many of them eyewitnesses to killings), "conservatively estimated that at least 5,000 unarmed civilians were purposefully murdered by the SAF between May 1988 and March 1989," when the civilians no longer represented a threat to the Somali Armed Forces (SAF) forces. The study also found that the SNM combatants killed hundreds of unarmed civilians in similar indiscriminate fashion. Further, the study found that both sides systematically engaged in grave violations of the internationally protected status of Ethiopian refugees in the refugee camps administered by the United Nations in the area. The Government forcibly conscripted Ethiopian refugees from the camps into the SAF after May 1988. The SNM conducted systematic violent attacks against these camps, killing 400 or more refugees in the process (see also Section 2.d.).

Some of these abuses, apparently sanctioned by the opposing leaderships, were consistent with traditional patterns of clan warfare in an arid land. One of the basic tactics of Somali army forces, for example, was to control the waterholes and deny their use to the SNM. The SNM similarly prevented the Government from repairing the pumping station which once supplied water to Hargeisa. When combating rebels, mutineers, and bandits in the central regions of the country, Somali troops took reprisals against certain villages by driving off livestock and burning houses.

Documented incidents included:

SNM members of the Isaak clan, in fighting around the northern town of Erigavo in March, killed a number of unresisting civilians. Progovernment militias then drove the SNM out of Erigavo and killed about 200 Isaak civilian inhabitants of the town.

Marehan soldiers carried out reprisal killings of about 30 Isaak civilians after a landmine explosion on the Burao-Berbera road in May.

Reacting to rioting in Mogadishu on July 14, military police fired into crowds, killing bystanders as well as rioters. Some innocent persons were killed in their homes by stray rounds. During searches of Mogadishu neighborhoods on subsequent nights, security forces looted houses and assaulted--and occasionally shot--their inhabitants.

In retaliation for the killing of some of their comrades in the July 14 riots, members of the Armed Forces abducted 47 Somali men, took them to an isolated section of beach, and shot them. Reports from witnesses and one survivor indicate that the targets of this execution were members of the Isaak clan, randomly selected and identified by their accents.

In late September, when government forces attacked rebels of the Ogadeni clan near the Kenyan border, troops overran the village of Dobli and killed many of the inhabitants.

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In November, when government forces attacked several villages near Galkayo in central Somalia in reprisal for a mutiny there, troops reportedly killed a number of civilians outside of immediate combat zones.

There have been other unverified reports of summary executions of rebels in the northern and southwestern regions of the country and of massacres committed by SNM fighters against non-Isaak villages in the north.

The situation remained volatile at the end of 1989. According to the Gersony report, the Government has armed clan-based civilian militias which are not under the effective command of either the SAF or clan elders. These militias were an additional element of continuing instability and lawlessness. Information is lacking on the fate of prisoners taken in Somalia's civil conflict. In general, it seemed that few prisoners were taken. Rebel forces welcomed deserters from government ranks.

Section 2 Respect for Civil Liberties

a. Freedom of Speech and Press

Although freedom of speech is guaranteed by the Constitution, that right continued to be severely abridged in practice. NSS informants frequented public places listening for expressions of antigovernment sentiment; persons were sometimes held responsible for opinions expressed in personal conversations as well as in public forums.

The Government continued to own and operate the radio and television as well as the country's six newspapers. No publications other than those authorized by the Government were legally distributed, and possession of unauthorized newspapers and journals has brought prison sentences of from 5 to 15 years. All printed, taped, and filmed material entering Somalia must be approved by the National Censorship Board. The material is checked for "obscene" as well as politically objectionable content. Academic freedom was not permitted; a Somali law professor with an evident interest in the local human rights situation was detained for several months in 1988 and 1989.

Information on the situation in Somalia was difficult to obtain because throughout the first half of 1989 the Government refused to issue visas to foreign journalists. Several European journalists were permitted to enter the country in the latter part of 1989. An American journalist arrived in Mogadishu in December for a 1-week visit.

b. Freedom of Peaceful Assembly and Association

Although politics is a common topic at informal gatherings of Somalis, and although Article 24 of the Constitution guarantees the right to participate in or organize an assembly or demonstration, in practice the Government only permitted meetings which it sponsored to advance government purposes. Political protest meetings were not permitted.

Freedom of association, though not specifically mentioned, is implicitly provided for in the Constitution, which entitles every citizen to participate fully in political, economic, social, and cultural activities. In practice, however, there was no freedom of association in Somalia in 1989. Having a

business relationship with a person under suspicion was enough to attract the attention of the security services. In March a restaurant owner was detained by the NSS when his restaurant was host to a party for former political prisoners. The only organizations allowed to exist are those approved by the Government and the SRSP.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the state religion and nearly 100 percent of the population is Muslim, predominantly of the Sunni sect. The Constitution states, however, that every person shall be entitled to profess any religion or creed. In practice this means that members of religions other than Islam may practice their faiths but may not proselytize. Mogadishu has a Roman Catholic community numbering about 2,000, which was established during the period of Italian colonial rule. Both Protestant and Catholic houses of worship operate openly. No other religious group has significant representation in Somalia. Christian charitable organizations operate in Somalia but confine their activities to technical assistance.

There is no evidence that the July 9 killing of the Catholic Bishop of Mogadishu was religiously motivated. Nevertheless, the assassination inflamed Muslim-Christian relations. Tension between the communities increased in the first half of 1989, as a revivalist spirit spread within the Muslim community, and some imams accused Christians of proselytizing. During the July disturbances in Mogadishu, there was some violence against Protestant medical missionaries and other persons perceived to be Christians.

Many in the Muslim community attribute Somalia's difficulties to lax observance of Islam. Such views, in addition to raising popular anxiety over Christian proselytizing, also tend to set the Islamic community in opposition to the Government, which has secular roots and a long history of antagonism toward religious leaders. The Government is sensitive to this trend, because it threatens to unite disparate opposition groups under the banner of Islam. Therefore, since 1985 the Government has licensed all mosques and Koranic schools, and since 1986 it has approved all imams and paid them a salary. Tensions between the Government and the Islamic community came to the fore in July, following the Catholic Bishop's assassination. In the investigation of that crime, security forces detained several outspoken imams. These acts provoked more antigovernment criticism within the mosques. The police, alerted to expect trouble on Friday, July 14, ringed the mosques, entered some, attempted to prevent antigovernment sermons, and tried to arrest additional imams. Widespread rioting and many deaths ensued.

Ethiopian Christian refugees sometimes claim that they face persecution in Somalia, but apparently that persecution is based more on nationality than religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Police and military checkpoints control travel between towns, in border areas, and in areas of interclan violence. There is, however, no requirement to report residence to the police

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or other government authority. Many Somalis are nomads, and the nomadic tradition remains strong. Travel within Somalia is a freely practiced right. In general, there are no restrictions on international travel for those who can afford it. Passports are available to all citizens and to ethnic Somalis who reside abroad; they generally are not denied on political grounds.

However, the Government restricted the travel of some former detainees and political prisoners by denying them passports or stopping them at the airport. Former political prisoners Suleiman Nuh Ali and Abdi Ismail Yunis were prevented from attending the Muslim pilgrimage. Their passports were confiscated when they tried to depart Somalia at Mogadishu airport. At the end of 1989 their passports had not been returned.

Somalis who have emigrated are generally permitted to return; in 1989 President Siad repeatedly promised amnesty to antigovernment Somalis returning from foreign countries. Nevertheless, based on the experience of previous years, some Somalis remained abroad because they feared possible imprisonment for opposition activity if they returned.

There have been massive displacements of persons as a result of the civil conflict. Many persons have fled to Mogadishu where the population has swollen to over 1.5 million. The Isaak population of northern Somalia has been driven into remote rural areas, and many hundreds of thousands are living in exile in Ethiopia and Djibouti, and fewer in Kenya. Within Hargeisa, about 90 percent of the Isaak homes, businesses, and property have been destroyed or severely damaged. The economic life of northern Somalia has been profoundly disrupted. At the end of 1989, the best estimates indicated that there were 324,000 displaced persons and refugees from Somalia (mainly Isaaks) in Ethiopia and 30,000 in Djibouti.

The Government reports that there are 837,000 Ethiopian refugees in Somalia, but outside observers, including from the United Nations, indicated that about half that number remained in refugee camps at the end of 1989. Conscription of refugees into the Somali army continued in 1989, in violation of international covenants. Spontaneous repatriation of refugees to Ethiopia continued throughout the year, and tripartite negotiations involving Somalia, Ethiopia, and the United Nations High Commissioner for Refugees (UNHCR) made progress on arrangements for officially sponsored voluntary repatriation. In addition to the UNHCR, the International Committee of the Red Cross (ICRC) agreed to participate.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have neither the legal right nor the ability peacefully to change their government or the form of their government. The SRSP is the only legal party; opposition groups and criticism of the Government are illegal. However, in August President Siad Barre announced that multiple political parties would be allowed to contest elections to a new People's Assembly by the end of 1990. In November a committee of lawyers began drafting proposed changes in the Constitution that would remove the SRSP from its leading role in state and society, permit the operation of multiple parties, and allow operation of a free press and other institutions of an open society. At the end of 1989 no

practical steps had been taken to implement these proposals. In the present governmental structure, the National People's Assembly has very limited powers.

For many Somalis the traditional clan system is the accepted vehicle of political expression. President Siad Barre and other officials consult frequently with clan elders. Since 1982, however, President Siad has been widely perceived as relying on and furthering the interests of his family and his Marehan subclan by playing off other clans aginst one another. This reliance on the Marehan accelerated in 1989, as the President appointed his son as head of the Armed Forces, another family member as Chief of Police, and Marehan officers as commanders of most military units.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

During the first half of 1989, the Government showed a willingness to cooperate with international and other human rights organizations. A visit by Amnesty International, proposed by President Siad in 1988, took place from June 24 to July 2. Officials arranged the meetings requested by the two-man delegation, including with former political prisoners, Prime Minister Samantar, and President Siad. However, a week after the AI delegation's departure, the Bishop of Mogadishu was killed and civil unrest and summary executions followed; and AI has not been invited to return.

The Government has continued cooperation with the ICRC, which is now operating an emergency hospital in Berbera and making preparations to aid in refugee repatriation.

Although there are no human rights organizations as such in Somalia, the Association of Somali Lawyers concerns itself with human rights issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Because Somalia is racially homogeneous, there is little racial discrimination as such. Animosities and rivalries based on bloodline and clan affiliation, however, are a fundamental problem at the root of the country's continuing civil conflict. Many persons have capitalized on their clan and family affiliations to gain economic advantage or privilege. The clan differences also have a north versus south aspect. Members of the Isaak clan, who form the bulk of SNM supporters, are increasingly discriminated against because most of them are perceived as opponents of the Government. Although not all Isaaks are persecuted, a disproportionate number of political detainees and victims of extrajudicial executions (e.g., almost all of the 46 in Mogadishu in July) were of that clan.

By tradition Somali women suffer discrimination in education, work, and family matters. Female enrollments in school remain far below those for males at all levels of education for traditional and cultural reasons. The payment of dowry and bride wealth are common marriage customs. Divorce laws and practices strongly favor the male partner.

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The Siad Barre Government has historically supported women's rights. In the face of conservative opposition, it rewrote laws to increase women's rights to inherit and own property, made women the legal equals of men, and perhaps most importantly it outlawed female circumcision. The Government's campaign against female circumcision, led by the Somali Women's Democratic Organization of the SRSP, continued to make progress in 1989. Although the practice remained common, especially in rural areas, pharaonic circumcisions (the most extreme and dangerous form of female genital mutilation) became less common.

Domestic violence against women is not a significant social problem in Somalia. There are several interlocking cultural and economic reasons why such practices as wife beating are relatively uncommon. One is that Somalis, being Muslims, do not generally drink alcohol. A second reason is that Somali marriages are contractual, with the wife's relatives prepared to enforce the agreement that she will be treated with dignity. Wife beating carries a stigma which makes it difficult for divorced wife beating males to remarry. Finally economic conditions, which have made it increasingly difficult for men to have more than one or at most two wives, also tend to curtail violence against women. (A veteran police officer, asked whether wife beating was a problem, said that in the days before independence it was common for men to have three or four wives and to treat the less favored of them as beasts of burden, beating the ones who faltered or were lazy. He said that young men of the present generation cannot afford more than one wife, and therefore they are constrained to treat her with respect.)

The civil conflict has, however, had a profoundly negative impact, and it appears that rape by government forces and others has occurred fairly often.

Section 6 Worker Rights

a. The Right of Association

Workers are not free to form independent unions. There is a single labor confederation, the government-controlled General Federation of Somali Trade Unions (GFSTU), is run by government-appointed officials. The GFSTU's main function is to monitor the work force and provide a conduit for worker grievances. The GFSTU is a member of the Organization of African Trade Union Unity and the International Confederation of Arab Trade Unions. Somalia has been a member of the International Labor Organization (ILO) since 1960, but has ratified neither ILO Convention 87 regarding freedom of association nor Convention 98 on collective bargaining.

Strikes are outlawed, and organizing a strike is legally punishable by death. Nevertheless, there was a short transportation strike in 1987, and strikes by quarry workers in 1989. The Government took no action against the striking workers.

b. The Right to Organize and Bargain Collectively

The right to organize does not appear to be infringed by employers. Because the GFSTU speaks for the Government, its dealings with employers on wages, hours, and working

conditions tend to resemble binding arbitration rather than collective bargaining. Some negotiation between employers and employees goes on outside the union framework. Given the official status of the GFSTU, antiunion discrimination appears to be a moot question. Labor courts adjudicate employer-employee disputes with relative impartiality. There are no export processing zones in Somalia.

c. Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, but the Government and party occasionally organize campaigns of "voluntary labor" to clean streets or boost production of state-owned factories.

d. Minimum Age for Employment of Children

The minimum age for the employment of children is 15, and persons under 18 are not permitted to work at night or in certain hazardous occupations. The law imposing the requirements, however, is not effectively implemented, and there is considerable child labor on the margins of the wage economy. Children sell cigarettes on the street, carry bags in the market, and watch and clean cars to support themselves and to supplement family incomes.

e. Acceptable Conditions of Work

Somalia has comprehensive labor legislation setting minimum safety and health standards for the workplace. These are applicable to the small, modern wage sector of an economy that is predominantly pastoral and agricultural and are not normally enforced. In theory the workday is 8 hours per day, 6 days per week, with limits on overtime hours. There is no legal minimum wage. Workers are entitled to paid holidays, annual leave, holiday bonuses, and a variety of fringe benefits. In reality, however, the salary scale is extremely low, especially in the public sector. The average salary of a civil servant is equivalent to about $10 per month and is not adequate to maintain a decent standard of living. Productivity in the public sector is correspondingly low, and many civil servants make only minimal appearances in their offices. Workers resort to second jobs, corruption, assistance from other family members, and remittances from abroad to support themselves and their families.

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Items 92, 94, 100, 103, 104, 109 and 113 of the preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS
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SECURITY COUNCIL
Forty-fifth year

Letter dated 2 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in the Sudan (including the persistence of the practice of slavery). I have underlined passages of special relevance.

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* A/45/50.

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 94, 100, 103, 104, 109 and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

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SUDAN

On June 30, 1989, in a bloodless coup d'etat, a group of brigadiers and colonels in the Sudanese People's Armed Forces (SPAF), led by Omar Hassan Ahmed al-Bashir, overthrew Sudan's 3-year-old democratic government, then headed by Prime Minister Sadiq al Mahdi. The new regime controls all the territory controlled by the Sadiq Government, but much of the south remains in the hands of the Sudanese People's Liberation Army/Movement (SPLA/M), led by John Garang. The coup leaders arrested over 300 leading figures (most of whom were freed by year's end), imposed a strict curfew, suspended Sudan's 1986 transitional constitution, abrogated press licenses, and dissolved all political and trade union institutions. The leaders then instituted a "National Salvation Revolutionary Command Council" (RCC) of 15 members, drawn exclusively from the military. The RCC justified the coup by condemning Sadiq's Government for corruption and ineffectiveness, especially in economic areas and in its failure to end the civil war with the SPLA/M.

The SPAF numbers about 75,000 men and is largely responsible for Sudan's internal and external security. Martial law has been in effect in government-controlled areas of the south for some time, and now extends to the north as well. A state of emergency (SOE) that permits various arbitrary government actions has been periodically renewed outside the south since 1985 and has been jointly enforced by the military, the police, and the Ministry of Interior.

Sudan's economy is primarily agricultural. Although the country is trying to diversify its cash crops, cotton and cottonseed still account for more than 50 percent of export earnings. The economy has been devastated by the expensive civil war (which costs perhaps $1 million per day), high inflation (100 percent in the first 6 months of 1989), high unemployment, up to 700,000 refugees from neighboring countries, and perhaps 3 million displaced persons among the Sudanese.

Many of the serious human rights violations previously noted in Sudan continued in 1989 under both the Sadiq and Omar Governments. The RCC abolished Sudan's largely free press, dissolved Sudanese labor organizations, and suspended legal due process by instituting arbitrary arrest, detention without charge, and trial of civilians by military courts. The continuation of Islamic law (Shari'a) throughout Sudan remained a major cause of southern disaffection, although the implementation of its more severe punishments has remained in abeyance since 1985.

Government forces and government-armed militias committed many human rights abuses, especially in the south, as did the SPLA/M (although reports from SPLA/M-controlled areas are more fragmentary). Military operations by both sides have left large areas of Sudan largely unpopulated and opened opportunities for banditry, especially along the Ugandan border. Few of the 3 million displaced persons (including 1 million near Khartoum) were resettled. Many still lack proper food, clothing, shelter, and medical care.

Both before and after the coup, the SPAF, its affiliated militias, and the SPLA/M interfered with relief efforts and attacked civilians. Various cease-fires were accepted but then broken by one party or the other throughout the year. At

times, both sides adopted a more responsible policy toward the passage of relief supplies, but both sides also continued to block such supplies from time to time. In November the Government closed Sudanese air space to all relief flights, and the SPLA/M imposed a 72-hour advance notice requirement for relief flights. At year's end relief donors were apprehensive that the suffering of tens of thousands of civilians would continue and perhaps even worsen.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Government forces under both Sadiq and Omar were directly implicated in some instances of extrajudicial killing. In Meiram (Southern Kordofan) in April, soldiers beat to death a Dinka stopped at an army roadblock. Two of his companions were left bound for many hours and eventually had their arms amputated as a result. No charges were filed. In July a soldier in Omdurman shot a young boy who had apparently annoyed him selling cigarettes.

The Sadiq Government appeared to condone human rights abuses by the military. General Burma Nassir, reportedly the architect in the mid-1980s of the policy of arming the militias (which committed widespread human rights abuses), was appointed to high positions under Sadiq. Major General Abu Gurun similarly received career-enhancing promotions, although his tenure as commander in the Wau area was marked by abuses ranging from starvation to crucifixions.

Some actions by the Omar Government suggested a somewhat different attitude. General Burma Nassir was detained and Abu Gurun was forced to retire from government service. Soldiers recently accused of the revenge killings of 10-15 civilians and other atrocities in Wau were at least relieved, although not disciplined. The abolition of Sudan's formerly vigorous press hampered reporting of human rights abuses. Under the Sadiq Government, reports of extrajudicial killing appeared with some frequency in Sudanese newspapers.

b. Disappearance

Reports of disappearances were fragmentary, but numerous witnesses suggested that the army, security police, and militias in the Nuba Mountains region of Southern Kordofan were responsible for disappearances in 1989. One report alleged that Nuba tribesmen arrested for suspected SPLA/M affiliation were removed from holding areas and "disappeared," allegedly to provide space for new detainees. Tribal militias were also accused of abductions for forced labor and of practicing slavery, especially upon displaced Dinkas.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both government and SPLA forces were accused of ill-treatment of civilians, (see Section 1.g.).

In 1983 under President Nimeiri, the Sudanese Government adopted a version of Shari'a (Islamic) law that prescribes harsh corporal punishments called "Hudud," also known as the

"September Laws." Similar provisions were proposed to the former constituent assembly in 1988 by Hassan al Turabi, Secretary General of the National Islamic Front (NIF), after the NIF's inclusion in the Government. The assembly set aside the proposal without rejecting it.

Hudud punishments include amputation, hanging, and beheading, and such sentences were handed down in 1989. As in 1988, however, no Hudud sentences were carried out under either the Sadiq or Omar Governments. Some 400 convicted prisoners still await execution of Hudud sentences. The Omar Government had not clarified its position on Hudud, and the SPLA/M strongly rejected suggestions of a national plebiscite on Shari'a. General Omar declared that the September Laws, which the SPLA/M strongly opposed and are a major barrier to peace, are negotiable, but the Government also reportedly recalled two architects of the September Laws to draft a new Islamic constitution.

By contrast, sentences of flogging were routinely passed and carried out before the coup. Reports indicated that the standard sentence for drinking alcohol was 40 lashes. Such punishments are often inflicted summarily. In August Khartoum police allegedly arrested two factory workers and a baker for curfew violations and immediately gave each 20 lashes.

Other reports since the coup suggest brutality by some soldiers, police, and security and prison officials. Boys selling items in the Khartoum markets were rounded up and beaten. Official sources acknowledged the floggings and roundups and promised closer supervision of the police. Although reported police brutality declined after this commitment was made, unnecessary harassment by security forces continued in 1989. There were also persistent reports of beatings and other forms of torture inflicted on detainees and others in government penal institutions.

d. Arbitrary Arrest, Detention, or Exile

Sudan's Criminal Code continued substantially unchanged in 1989. Arrests must be followed by a statement of charges within a prescribed time, and the accused is to be brought before a court within 48 hours of arrest, informed of the charges, and allowed legal counsel. Bail is permitted except in some capital cases. But the state of emergency and martial law after the coup permit the Government wide powers of arrest and preventive detention for an indefinite period. Although most prisoners were allowed visitors, there were a few reports of prisoners held incommunicado, mostly trade unionists and Communists considered by the authorities to be troublemakers.

Military authorities in southern and western areas may detain people without charge on suspicion of cooperation or sympathy with the rebellion. As the incident at Meiram indicates (Section 1.a.), this power is sometimes abused.

Under the Sadiq Government, there were few political prisoners in northern Sudan. Fifteen persons were arrested, however, in December 1988 following an alleged coup attempt. They included a number of top politicians and former military officers who allegedly supported former President Nimeri. They were subsequently released after the June 30 coup.

The situation with regard to political detainees/prisoners changed dramatically with the coup on June 30. The Omar

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Government suspended legal due process and declared a nationwide state of emergency (SOE) that gave the Government wide-ranging arbitrary powers. The Government initially detained without warrants more than 300 people, including many of Sudan's prominent political and academic figures. They were later joined by academics who had petitioned against the regime's actions and by about 60 judges. Many detainees, including Sadiq al Mahdi, remained confined without charge in Kobar and other prisons at the end of 1989. At least 35 trade unionists were transferred to Shala Prison in El Fasher, approximately 400 miles from Khartoum. In September several Communists were detained, allegedly for instigating a protest against the Government by students at Khartoum University.

When eight labor union leaders petitioned in August against the Omar Government's decree abolishing unions, they were also detained. Government officials later claimed that the unions had been a major source of Sudan's problems, and that the RCC would tolerate no challenge to its authority. These actions were condemned by other labor organizations, including the Organization of African Trade Union Unity and the American Federation of Labor and Congress of Industrial Organizations. When the doctors' union staged a nationwide strike in late November-early December, the Government detained about 30 physicians, at least one of whom was severely beaten. Several physicians were later tried, and two convicted, for "instigating discord and war against the State."

Conditions of imprisonment for the detainees in Kobar prison are relatively mild, and many were freed over the months following the coup. Sarra al-Fadil al-Mahdi, wife of Sadiq, was detained in September and confined under more rigorous conditions in Omdurman Women's Prison. Sadiq's other wife, Hafia Hussein Sherif, was also briefly detained but released. During this period the Government began to file charges, usually related to wrongful expenditure of public funds, against former officials of the Sadiq Government. Although summary arrest and detention procedures continued to be used, the Omar Government began to reconstruct a functioning if more politicized system of justice, and detentions on political grounds in northern Sudan became infrequent.

There were approximately 150 political detainees held without charge in Sudan at year's end.

There were no known cases of involuntary exile in 1989. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Under the Sadiq Government, the Sudanese legal system was controlled by the transitional constitution of 1985 and Sudanese legal codes, including the penal code adopted in September 1983 (the September Laws). In addition, the SOE law of December 1987 gave authorities extensive emergency powers.

The legal system involved a variety of courts, including the Supreme Court, civil, criminal, and Shari'a (Islamic) courts. Abolition in 1986 of the executive power to form special state security courts ensured that the regular criminal courts would try all prisoners. Such proceedings involved extensive guarantees of due process, including arrest pursuant to a warrant, public trials before a three-judge panel, the right of defendants to speak and present evidence on their own behalf and to obtain counsel, and appeals through a series of

courts to the high court of appeals. Christian law graduates were and are required to pass a proficiency examination in Islamic law to practice law in Sudan. Tribal law continues to be important in rural areas, where disputes largely involve land, water, and family concerns. Courts also exist to monitor the activities of merchants and can impose prison sentences for fraud and operating without a business license.

Both the judicial system and the judiciary have changed since the coup. One of the RCC's first decrees on June 30 abolished the 1986 transitional constitution and transferred all power over Sudan's constitution and laws to the RCC. The same decree also provided that existing laws remained valid and that nonpolitical constitutional institutions continued, although they would be required to enforce any changes in the laws approved by the RCC. The RCC removed and detained some 60 judges, about one-tenth of the Sudanese bench. The judiciary was transferred to the Ministry of Justice, and the Chief Justice, formerly elected by sitting judges, was appointed by General Omar.

In place of the former system, a dual court structure based on three sources of law developed in 1989. Civilian courts continued to exist, albeit short of staff and less independent of the executive. Such courts continued to handle the large backlog of cases dating from before June 30. They applied the 1983 Criminal Code (the September Laws) to try ordinary criminal offenses, including theft and even some capital crimes; civil cases continued to be handled largely according to previous laws, generally derived from British colonial models. Other courts were established to monitor conformity with government-established prices for certain goods.

The RCC also established numerous special military tribunals, typically comprised of three field-grade officers. These courts were used extensively to try officials from the Sadiq Government. In each case, the defendants were charged with crimes against the 1983 Criminal Code, usually corruption. The defendants were allowed counsel of their choice. In the first such case, however, involving former Supreme Council member Idris al Banna, the defendant's attorney was not allowed to present a defense. Defendants subsequently were formally granted the right to counsel, and it was announced that Idris al Banna would be allowed to appeal the denial of effective counsel in his case. The trials were televised and open to the public.

The military courts also tried nonpolitical civilian defendants accused of offenses specified in the SOE. Such crimes included possession of hashish and currency-exchange violations. The military courts also try offenses against the decrees of the RCC, which, along with the 1983 Penal Code and the SOE law, comprise the current Sudanese criminal code. Sentences given convicted defendants, both political and nonpolitical, have been severe by Sudanese standards, including long prison terms and confiscation of property.

An RCC decree on June 30 allowed the seizure of land, money, or commodities for the public welfare without reimbursement and for the seizure of the property of businesses under suspicion of resisting the Omar Government (pending legal determination of the case). These decrees were used to enforce price controls.

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Late in 1989 the military courts, which tried a limited number of cases, were discontinued in favor of state security courts, each staffed by three civilian judges. Like the military tribunals, these courts constitute a separate group of security courts parallel to the regular criminal and civil system. They are intended to try persons accused of violations of constitutional decrees, emergency regulations, and some sections of the penal code, but defendants in these courts receive greater benefit from due process provisions than did those in the former military courts, including the assistance of counsel empowered to address the court and access to a court of appeals.

In November the Government created another new set of security courts. According to the Special Courts Act of November 29, the military governors of the regions and the commissioner of the national capital can form special courts with jurisdiction parallel to that of the state security courts. The special security courts can be formed of three military officers or any three competent persons, and those created had both military and civilian judges. Attorneys can sit with defendants as "friends of the court" and advise them, but cannot themselves address the court. Sentences given by the special security courts are to be implemented immediately, except that death sentences must be approved by the Chief Justice and the Head of State. Defendants can file appeal briefs with the Chief Justice. The Government referred most security cases to these courts, leaving the civilian state security courts largely without a docket.

The special security courts quickly became noted for their severe sentences. In December two defendants convicted of illegal possession of foreign currency and a third defendant convicted of currency smuggling were sentenced to death, as was a physician convicted of involvement in an illegal strike by doctors. Another physician involved in the strike was sentenced to 15 years in prison; two other physicians were acquitted. Despite international protests, on December 17 one of those convicted of currency violations was hanged, along with a drug traffcker convicted earlier.

In practice, the military courts and the succeeding special revolutionary courts applied a mix of precoup laws and postcoup decrees. The Attorney General's Office allegedly monitors the trials of political prisoners, but its influence is unclear.

The military courts convicted less than 100, perhaps even fewer than 50 defendants during their 3-month existence.

Large areas of the south are controlled by the SPLA/M. Reports indicated that a rudimentary system of justice based on village leaders was being used in some of these areas, and a similar system of justice was authorized by the Government late in 1989 for the war-torn province of South Kordofan. Under this system, a trusted village elder is appointed to adjudicate disputes, as well as to collect taxes and recruit soldiers and labor for the SPLA/M. SPLA offenders can be tried and have reportedly been severely punished. Other portions of these areas are outside effective judicial procedures, and those accused are often not provided recognizable due process. Some reports suggest that army units summarily try and punish those accused of crimes, especially offenses against civil order.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government surveillance in Sudan, outside the combat zones, was rare before the coup. After June 30, security agencies considerably expanded both the scope and intensity of their activities throughout Sudan. Reports were received of petty harassment of civilians and surveillance of church services by security officers. After their release from detention in December, leading political figures Mohamed Osman al Mirghani and Hassan al Turabi were confined to house arrest, their families were kept under surveillance, and all visitors other than family were required to obtain government permission. Complaints about searches of homes without warrants also increased. In one case, armed police or soldiers without warrants reportedly entered homes in the Khartoum area occupied by displaced persons from southern Sudan. They allegedly confiscated equipment used for home brewing (a traditional if illegal moneymaking sideline for southern Sudanese women), marked the homes with red paint, and forbade the families to reenter them.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Both government forces and government-affiliated militias as well as the SPLA/M used excessive force and acted contrary to humanitarian law. Allegations of chemical weapons use by the SPAF, however, appeared unfounded.

In January witnesses reported that in Allubi (Southern Kordofan) in December 1988 some 150 SPAF soldiers and 5 officers engaged in a spree of looting, rape, and torture of civilians. Other reports suggested similar activities by the SPAF in the area of Tira El Akhdar that resulted in the burning of seven villages and the killing of eight villagers. Other reports of such activities, including in the west, were received following the coup. In several cases, army units reacted to perceived SPLA/M attacks by ferociously attacking the Dinka sections of nearby towns, killing substantial numbers of villagers. In one case, the unit commander reportedly was transferred, but no reports were received of disciplinary action against the soldiers who committed the atrocities. Government forces in Malakal forbade civilians to leave the town with enough rations to return to their villages and plant crops, effectively making the civilians prisoners in the town. East of Wau, the SPAF reportedly established a "free-fire zone" to discourage settlement. Army officers have also admitted rape and theft of relief supplies by soldiers in southern garrisons.

A particularly notable violation of humanitarian law occurred in the eastern Equatoria town of Torit, a center for relief activities. On June 1 an SPAF bomber appeared over the airport at Torit, which had recently been occupied by the SPLA/M. The plane made two runs on the airport, dropping several large bombs that narrowly missed a German Air Force transport, loaned to a relief agency and appropriately marked. Representatives of several donor nations protested the attack, which also caused a temporary suspension of German airborne relief in the area. A similar bombing was reported at about the same time on a village near Torit, resulting in several wounded civilians. After the fall of Kurmuk to the SPLA/M in October, SPAF planes bombed the SPLA-held towns of Yirol and Waat. The attack on Yirol killed 4 civilians and

wounded 10, and bombs narrowly missed a clearly marked ICRC hospital. The Government subsequently denied responsibility for these two incidents.

Information on SPLA/M violations of humanitarianm law has been more difficult to obtain. SPLA/M forces, however, reportedly raped displaced persons fleeing besieged towns and were accused of planting land mines indiscriminately in the war zone. There are reports that during the siege of Juba the SPLA fired rockets into the town on several occasions. These attacks reportedly killed more than 20 people, most of them women and children. In the Juba area, the SPLA also stole relief food from the inhabitants. When the SPLA/M took the town of Torit in February, SPLA fighters reportedly pillaged, raped, and killed civilians there. In late December, a relief plane of the French organization Medicins Sans Frontieres was shot down while taking off from the government-held town of Aweil. The Government stated that the SPLA/M was responsible, but there was no independent confirmation of that claim.

Government forces and government-armed militias were accused of attacking groups fleeing the widening area of the conflict, preventing civilians from growing their own food through indiscriminate planting of land mines, and confiscating relief supplies intended for civilians for sale on the black market. The government-armed tribal militias (especially members of the Misseriyyah, Fertit, Taposa, and Ruzeigat tribes) made many attacks on their longstanding tribal opponents, particularly the Dinka, the most important source of support for the SPLA/M. In late December, Arab militia of the Sabha tribe killed over 200 Shilluk tribesmen in El Jebelein in reprisal for the murder of an Arab landowner. The Government announced several arrests and an investigation of the incident. Militia activity was especially vicious in the Nuba Mountains region of Southern Kordofan. The Sadiq Government routinely ignored abuses of human rights by the militias. In July the Omar Government brokered a settlement in El Fasher that reduced strife between the Fur tribe and government-armed groups that had been attacking the Fur.

However, the Omar Government was not able to disarm the militias, which also received weapons through neighboring states, including Chad. In November a government decree establishing "Popular Defense Forces" substantially implemented a controversial proposal, initially made under the Sadiq government by the National Islamic Front and parts of the Umma party, to legitimate the militias. Government control over the militias remained limited in 1989, although the decree suggested means for closer government supervision. A portion of one militia group, the Anyanya II, turned against the Government and now supports the SPLA/M; another faction remained loyal to the Government. In one case, the portion of the Anyanya II militia loyal to the Government reportedly visited villages near Abyei and engaged repeatedly in pillage, torture, killing, and rape of civilians who they alleged were SPLA/M supporters. Instances of enslavement of displaced persons and refugees were also reported (see Section 5). One observer found these areas ruled by "the law of the gun." Despite these limitations of control, the Government's historic policy of providing weapons to the militias and failing to investigate or punish atrocities committed by them associates the Government with the militias' actions. The SPLA/M also reportedly armed tribal militias in the Nuba area, although on a smaller scale.

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Both sides in the civil war took prisoners, although the SPAF reportedly held only SPLA/M officers. The ICRC was able to visit 8 SPLA/M prisoners held by the Government and 150 government prisoners held by the SPLA/M. The total number of prisoners visited is only a small number of the prisoners held by both sides.

Both sides interfered with relief operations in 1989. Before the coup, Prime Minister Sadiq al Mahdi acknowledged the unauthorized distribution of relief supplies by a local official from stocks at Aweil. The SPLA/M reportedly attacked some relief convoys moving through SPLA/M-controlled territory. Other convoys were held up by negotiations between the Government and the SPLA/M over the proportion of supplies to be left in SPLA/M hands. Heavy mining on some southern roads greatly obstructed movement of relief convoys by land. Civilians suffered from mistreatment by some local townspeople, attacks by armed militias, occasional military harassment of relief workers, and lack of humanitarian assistance from the army and SPLA/M themselves. Movement of food supplies by land to Juba, the largest town in the south, was blocked by the SPLA/M, forcing the 300,000 residents to rely on the uncertainties of airlift.

While civilian deaths in the civil war and tribal fighting were again high in 1989, interference or failure of both sides in the civil war to cooperate with food relief efforts and the subsequent closure of airspace to relief flights, government corruption and inefficiency, and lack of medical treatment continued to be the major causes of death in the areas affected by the civil war in 1989. Overall in 1989 there were fewer deaths than in 1988, due in part to massive humanitarian efforts and intermittent cooperation. This improvement was threatened in November by the Government's closure of Sudanese air space to relief flights following the fall of Kurmuk, to which the SPLA/M responded by imposing a 72-hour notification rule for flights over SPLA/M-held territory.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the Sadiq Government, Sudanese citizens had substantial freedom of speech and press, at least outside the war-torn southern areas. Parliamentary debate was free and criticism of the Government intense. Print media were lively and expressed a wide variety of Sudanese opinion. Political parties published their own newspapers, and independent journals presented a full range of opinions. Human rights abuses were often, if not always reliably, reported on, especially by English-language newspapers. Radio, television, and the Sudanese News Agency (SUNA) were under government control and tended to reflect government policies. Academic freedom was generally respected, and student groups held free elections for their leaders.

Despite this substantial freedom of the press, there were limitations. In early 1989 the Sadiq Government fired the SUNA management, reportedly for not being sufficiently Islamic in their reporting. At the same time, the Cabinet began reconsideration of a new press law that would have imposed substantial limits on reporting, including banning attacks on religions and on Sudan's foreign policy. In March the Sadiq Government used the SOE law to arrest the editor of a biweekly newspaper, producing a protest from the Sudanese Journalists Association.

The coup on June 30 radically changed this situation. Public expression of opposition viewpoints was banned; the broadcast media were tightly controlled; and licenses for all nongovernment publications were cancelled. For some time the only internal news sources were the SPAF organ Armed Forces, SUNA, and radio and television--all government controlled. In August the Omar Government authorized a second daily newspaper, Modern Sudan. In September a third journal, National Salvation, appeared. Modern Sudan and National Salvation became the general daily papers, and Armed Forces returned to its previous situation as an irregularly published organ for the armed forces. All three journals reflect government views and are in Arabic only. Also in September Sudanow, an English-language government magazine, reappeared in a limited press run.

Although a new press law under discussion could permit independent publications in the future, early return to the previous conditions of press freedom is unlikely.

Academic freedom in Sudan has generally been respected, but many university professors felt less secure after the coup. A few professors and other leading intellectuals were detained or taken in for questioning, although most were soon released. An early decree of the RCC forbade universities to shut down in protest.

b. Freedom of Peaceful Assembly and Association

Despite the banning of demonstrations under the SOE law by the Sadiq Government, protests and marches periodically occurred. The National Islamic Front (NIF) held numerous demonstrations against the Sadiq Government in April, some of which became violent. The SOE and banning of political activity decreed on June 30 effectively eliminated the right to protest, and a large student demonstration at the University of Khartoum December 6 was firmly controlled by police forces, killing two students.

Before the coup, Sudan had many political organizations and parties. Professional and business associations met regularly. They were routinely given the required permits and licenses, and, outside the war zones in the south and west, the Government usually did not become involved in their proceedings.

On June 30, the RCC decreed that the registrations of all nonreligious groups were canceled, and the groups were effectively disbanded. In September the Government put forward a program for reregistration of voluntary organizations. As long as political activity remains banned, it is unlikely that such organizations, even if reregistered, would play the active role in politics that some did before the coup.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Sudan is a multireligious country in both fact and law. Islam and Christianity have both been formally recognized as religions of Sudan, but adherents of other beliefs are not legally restricted. Muslims are a majority in the five northern regions and the capital, although the presence in

these areas of over 3 million displaced persons from the south (an area predominantly Christian and animist) is affecting this balance. Foreign clergy may enter Sudan with certain restrictions. They are most likely to be admitted if they have certain technical skills, such as publishing, that are difficult to obtain in Sudan; clergy without special skills are less likely to be admitted. In general, clergy are admitted to serve their own religious communities. Proselytizing by Muslims is allowed, as is proselytizing by Christians of non-Muslims; but proselytizing of Muslims is discouraged and can provoke reactions. Religious believers are free to engage in religious education and to participate in religiously related charitable activities.

Despite these provisions, Islam has traditionally been favored by the Government. Under the Foreign Missionary Society Act of 1962, public Christian religious activity is subject to close government supervision. Among other provisions, the Act forbids the construction of churches without government permits, which have not been issued for more than 10 years. The Sudan Catholic Bishops' Conference and the Sudan Council of Churches both protested in 1989 against the Act, whose broad provisions were often capriciously interpreted by local officials.

Several incidents exacerbated sectarian tensions in 1989. Before the coup, government officials in the south reportedly seized property belonging to Christian churches, refused to return it, and threatened those who protested the seizure. In April the NIF, then in opposition, called for a "holy war" against the Government and its supporters. Local groups inspired by this appeal apparently interpreted it as an incitement to attack Christian establishments. In the last 2 weeks of April, attacks were made against Christian churches, centers, and schools in En Nahud (Northern Kordofan Province), Port Sudan (Red Sea), El Kamlin (El Gezira), and two establishments in Omdurman. In one of the Omdurman incidents, a charity center operated by the Sisters of Mother Teresa of Calcutta was attacked by a mob incited by the imam of a nearby mosque. One of the nuns was severely beaten and the center was stoned. The imam was arrested and sentenced to 2 months in jail for disturbing the peace. In En Nahud, a Catholic Church compound was invaded by a mob of NIF supporters, who looted and ransacked the nuns' quarters and the parish offices. No one was reported arrested for this attack. The Sadiq Government discouraged participation in the NIF-led demonstrations but did not use its emergency powers to ban them.

In another incident, a Catholic catechist was reportedly jailed and robbed by security forces in El Daein in Southern Darfur. Personal papers he was carrying were also allegedly destroyed, and one of the officers reportedly demanded that he say Muslim prayers in order to be freed, which he refused to do. After holding him for 11 days in custody without charge, they released him at Umm Ruwaba in Northern Kordofan. No reports were received of disciplinary actions against the security officials involved.

When the SPLA/M captured Torit in February, its fighters reportedly ransacked the home of Archbishop Paride Taban, taking religious articles, vestments, books, and other property. They also took the Archbishop and three Catholic priests into custody and held them incommunicado for 2

months. After international protests to the SPLA/M, they were released in mid-May.

The coup on June 30 did not substantially affect religious activities in Sudan. Religious organizations continued to function essentially as before, and the decree revoking the registration of other voluntary organizations exempted religious bodies.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Sudan is hampered by the civil war, a very limited transportation infrastructure, and government restrictions. Exit visas are required to leave Sudan, a requirement that has been used to restrict travel abroad. A married Sudanese woman must have the permission of her husband or another male relative to travel abroad, and regulations specify that unmarried Sudanese women must travel with a family member or other sponsor. The travel restrictions for women were generally ignored before the coup, but after June 30 they were increasingly strictly enforced. Reports were received of several women refused permission to board at Khartoum airport because security officials did not believe they had the required permission or escort. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and register again at the new location within 3 days of arrival.

After the coup, the Omar Government imposed additional travel restrictions. A curfew was instituted in much of Sudan, and suspected curfew violators are subject to detention or summary floggings. Initially the Omar Government heavily restricted travel abroad by Sudanese, and immediately after the coup closed the Khartoum airport except for travel to Mecca in Saudi Arabia by Muslim pilgrims. A government spokesman stated in August that travel abroad (other than to Egypt) for medical treatment was forbidden, explaining these measures as necessary for improving production in Sudan. In practice, Sudanese have experienced little difficulty in leaving the country since the coup. Although Sudanese could move about the country freely both before and after the coup, the Omar Government tightened travel restrictions on foreigners (especially diplomats), principally by requiring travel permits that are sometimes difficult to obtain. These restrictions sometimes hampered relief efforts.

The situation of displaced persons and refugees improved in 1989 by comparison with 1988. Natural catastrophes were less severe, and under the umbrella of Operation Lifeline Sudan relief supplies moved more easily than in 1988. Although mass resettlement plans for the summer of 1989 were not carried out, some forced resettlement reportedly occurred in the Khartoum area in November and December, as well as in areas affected by the civil war. The SPAF reportedly forced farmers south of Kadugli to move from their villages, causing a major influx of families into the town of Kadugli. Reports of widespread starvation declined, but refugees and displaced persons continued to lack medicines and other necessities.

Overall, Sudan's inability to resolve the civil war left the number of displaced persons at about the 1988 level of some 3 million. Many of these people were concentrated in shantytowns and squatter huts in and around Khartoum.

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Sudan's foreign refugee population (largely composed of Ethiopians, Ugandans, and Chadians) was about 700,000. Sudan has not forced the repatriation of refugees and has generally accorded good treatment to refugees, although years of influx have nearly exhausted the meager available resources for refugees. Administrative problems halted almost all resettlement of refugees to third countries from May 1988 to April 1989, but the Omar Government seemed to have corrected these problems by the end of 1989.

Large numbers of refugees have settled in the cities, especially the capital area. Refugees are restricted in their freedom to travel and own property, as are most non-Sudanese. They also are not permitted to become resident aliens or citizens of Sudan, regardless of the length of their stay.

An exception to the generally good treatment of refugees in Sudan was the situation of Falashas (Ethiopian Jews) in Umrakoba Camp. This group of 54 has been sequestered since 1984, has often been denied access to United Nations High Commissioner for Refugees (UNHCR) protection officers, and receives minimal support from the Sudanese Government, which runs the camp. They are denied permission to travel and isolated from the general population of the camp, and they reportedly do not receive adequate health care.

Urban refugees face considerable problems. Reports of harassment and petty thievery by police against refugees, beatings for minor infractions of the law, administrative obstruction and delays, and the need for small bribes to obtain everything from work permits to food-ration cards are common in urban areas. Refugees seldom have recourse to the legal system when attacked by policemen. The UNHCR Protection Officer reported that one group of refugees was imprisoned without charge when found at the scene of a murder. Although the murderer was promptly identified as Sudanese, the refugees remained in prison for 8 weeks.

The Omar Government did not change the policy of the Sadiq Government, instituted in 1987, of accepting genuine political refugees but refusing refugees from famine.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

At the end of 1989, a military regime ruled, and the people of Sudan had neither the right nor the ability peacefully to change their government. A government spokesmen declared that this situation will not change soon. In September the RCC issued its "Third Constitutional Decree" establishing a new governmental system for Sudan. It featured a head of state (General Omar) with sovereign powers. The all-military RCC continued as the legislative authority. A cabinet was established consisting of a prime minister and other ministers, all appointed by the RCC. The Cabinet was given essentially administrative authority subject to the Head of State and the RCC. The courts were brought under the Head of State's supervision, and courts were specifically forbidden to review acts of the RCC or the Head of State.

Under the Sadiq Government, Sudan had a multiparty parliamentary system that guaranteed the right of citizens to change their government. The system did not extend to large parts of the south, where the civil war prevented the holding of elections in 1986 in about half the electoral districts in

southern Sudan, leaving empty 41 of the 301 seats in the constituent assembly. The democratic Government could not end the civil war as it was repeatedly deadlocked on the political/religious issue of the constitutional basis of government. A strict Islamic-based criminal code including Hudud punishments was proposed in 1988 but never passed, although the Shari'a-based provisions of the September Laws were never repealed and constituted a major issue in the civil war. The Sadiq Government was never able to meet its goal of holding a national constitutional conference.

When they assumed power on June 30, the military leaders justified their action largely by citing the ineffectiveness of the democratic government. Claiming sectarian bickering as harmful to Sudan, they abolished all political parties, seized (and later distributed) the parties' assets, and detained (albeit in relatively mild conditions) the leaders of many precoup parties. RCC decrees banned all political activity and political parties. Under both the Sadiq and Omar Governments, local and provincial officials were appointed by the authorities in the capital. Most local officials appointed after the coup were military officers.

The military Government publicly assigned a high priority to ending the civil war. However, by the end of 1989 there had been very little movement. John Garang, the leader of the SPLA, has called for a "restructured, unified Sudan, a multinationality country."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has traditionally been acutely sensitive to local or foreign criticism of its human rights performance. Several international human rights groups work actively in Sudan. General Omar also invited a group of Western ambassadors to examine the conditions of detention for political detainees in Kobar prison, and the visit took place on August 12. In September the Dinka intellectual, Francis Deng, who is based in Washington, was also permitted to see many political detainees in Kobar, including Sadiq al Mahdi, Mohamed Osman Mirghani, and Hassan al Turabi.

Local human rights activists in Sudan have complained of being regarded as subversive, and many reportedly were called in for questioning by security officials both before and after the coup. Neither the Sadiq nor the Omar Government instituted any public investigations of alleged human rights abuses in 1989. In late November, however, the Government received a delegation from Amnesty International to discuss detention without trial and other human rights concerns.

Until June 30, Sudan had several active organizations monitoring human rights in the country, including the Sudan Human Rights Association (SHRA), the Sudan Bar Association (SBA), and the Sudan Catholic Bishops' Conference. Neither of the first two produced in 1989 detailed studies of human rights abuses in Sudan, and their status since the coup is uncertain. The Bishops' Conference still exists and actively monitors human rights concerns; its bimonthly newsletter publicizes violations of human rights, especially those involving religious discrimination. In late 1989, both the Bishops' Conference and the Sudan Council of Churches drafted public letters protesting religious discrimination.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Sudan's population of 24.5 million (1989) is a multiethnic mix of over 500 Arab and African tribes, with scores of languages and dialects. In general, Sudan is composed primarily of two cultures--Arab in the north and central areas and black African in the south. Sudanese governments have historically been dominated by northern Muslims (about 16 million). Some southern tribal groups, especially non-Arabs and non-Muslims, have demanded greater economic and political power and greater recognition of Sudan's cultural diversity.

Discrimination in the north by the Muslim Arab majority against displaced persons from the south is common, and many reports were received in the past of attacks by Arab tribes in the south against non-Arab southerners, especially members of the Dinka tribe. Residents of Arabic-speaking areas who do not themselves speak Arabic are discriminated against in education, jobs, and other opportunities. University of Khartoum entrance examinations also favor Arabic speakers. Widespread popular attitudes in these areas also stereotype dark-skinned non-Arab southerners as inferior and lazy, leading to much informal discrimination against them.

Sudanese laws continue to favor men, and men and women traditionally have segregated roles. Islamic laws of inheritance award additional property to men, while concurrently assigning them the duty of caring for their extended families. Although education is freely open to both sexes and many women obtain university education, women traditionally receive less education and have fewer opportunities than do men. Some women, however, have been active in the professions, the media, education, and politics, and at least one female presides over a court. Although not numerous, women are found in both the police and the military. Labor laws allegedly do not adequately protect the self-employed, the bulk of the female work force. However, one of the relatively few women's rights activists in Sudan noted at an international conference in 1989 that Sudanese women often did not avail themselves of the rights and opportunities available to them, including access to the court system.

Female genital mutilation (circumcision) is prevalent in Sudan. Reports indicate that this practice, although officially illegal, is very widespread, especially in the north. Some reports suggest that over 90 percent of northern women have been circumcised, with consequences that include severe urinary problems, infections, and even death. The so-called Pharaonic circumcision, the most severe of the three forms of circumcision, is the most common and is usually performed between the ages of 4 and 7 years. Few physicians will perform the operation, which is most often done by paramedical personnel in improvised, often unsanitary conditions. The operation reportedly is expensive--approximately $111 at the legal exchange rate--for a 10-minute procedure. Southern women displaced to the north are increasingly visiting circumcision on their daughters, even if they themselves are not circumcised.

Women refugees are particularly vulnerable to harassment and sexual abuse. Sexual favors are reportedly demanded of them by some Sudanese officials in exchange for performance of official duties. Stories of rape of women refugees by

policemen are common, and women refugees without a male provider are sometimes forced into prostitution to earn a living.

Among certain southern tribes, forcible sexual intercourse is common. No blame attaches to the practice, although the man involved must pay a price (often in livestock) to the woman's family if she becomes pregnant. In the same area, wives are often received on a trial basis lasting up to 4 years. The husband may dissolve the marriage during this time by returning the wife to her family, although he must pay a price for each child born during this time. Returned wives are reportedly often able to contract further marriages and are not stigmatized by having been returned.

The extent to which wife beating occurs is unknown; it is not discussed as a public issue, and police do not normally intervene in domestic disputes. There were no known reports of wife beating in 1989, and no court cases involving either circumcision or violence against women. However, for a variety of reasons, many women would be reluctant to file a formal complaint of such abuse.

Section 6 Worker Rights

a. The Right of Association

Sudan had a strong labor union movement during the period of the Sadiq government. Prominent labor organizations included the Sudanese Workers Trade Union Federation (SWTUF), which represented blue-collar workers, the white-collar Sudanese Employees and Clerks Federation (SFETU), the Sudanese Teachers Federation, and a number of professional associations. Sudanese unions lobbied actively and participated in international, African, and Arab labor organizations. Except for some government employees, strikes were legally permissible after exhausting other measures to resolve disputes. Technically illegal strikes were common and usually tolerated.

The RCC's constitutional decree number 1 of June 30 abolished all labor unions and forbade strikes. Labor union offices were closed, and union assets were frozen. Many (probably over 100) union officials, especially those active in political parties, were detained or placed under house arrest between July and September, some for protesting the Government's action. Many were quickly released, but at least 35 union officials remained imprisoned in Shala Prison in late 1989, and others were detained elsewhere. In September General Omar announced the legalization of preliminary committees to manage union affairs, pending the drafting of new laws on union organization. Under this rubric, the SWTUF was restored, with its leadership unchanged, and its assets returned. Two other labor groups were also reinstated, and efforts were under way to legalize the remaining unions at the end of the year. Union officials were promised substantial participation in the process of developing new labor legislation.

Although the Government pledged to respect all labor rights required by the International Labor Organization (ILO), it continued to forbid strikes, as well as all labor activity by unreinstated unions. The doctors' union, which had not been reinstated, staged a nationwide strike in late November and early December to protest the firing of government-employed

physicians and to demand removal of the Omar Government and restoration of democracy. In December a special security court convicted two doctors of leading the strike. One was sentenced to death, the other to 15 years in prison. Reports also indicated that several members of the engineers union were detained in December to prevent a suspected strike.

b. The Right to Organize and Bargain Collectively

Under the 1985 transitional constitution, suspended on June 30, workers had the right to organize and to bargain collectively, and unions did so actively. There were no official constraints on union membership, and labor laws were applied uniformly throughout the country (although with little effect in the war areas). Job creation and union membership were limited primarily by Sudan's shattered economy.

On June 30 the RCC suspended the right to organize and bargain collectively. These rights were restored to legalized unions in September. Labor laws and practices are uniform throughout the territory controlled by the Government.

c. Prohibition of Forced or Compulsory Labor

Sudanese law strictly prohibits forced or compulsory labor. Allegations of slavery, however, persisted in Sudan in 1989, and the issue remained controversial. Although the Government frequently denies the existence of slavery, Prime Minister Sadiq al Mahdi acknowledged that Dinka children were enslaved by Arab tribes and claimed that Arab children were taken by Dinka tribes. He described the practice as a longstanding one, involving mutual raiding and taking of captives, but condemned it as "illegal" and "immoral." Slavery reportedly exists primarily in remote parts of Sudan, especially those where government control is weak and where displaced persons fleeing the war zones come into contact with armed groups. Informed sources suggest there could be many slaves in Sudan, largely women and children doing agricultural and domestic work and serving as concubines.

The revival of slavery is often blamed on economic pressures and the civil war, especially the practice of arming tribal militias. Most of the slaves allegedly are Dinkas abducted by Arab militias, especially the Rizeigat and Misseriyah. One report by a former army officer indicated that his entire family had been killed or taken into slavery after a Rizeigat attack on their village in 1987. Reports have also been received in the past of Dinka children sold into slavery by their parents to prevent their possible starvation.

Reports suggested that the SPLA/M often forced southern men to work as laborers or porters or forcibly conscripted them into SPLA ranks. In disputed territories this practice was implemented through raids, while in SPLA/M-controlled areas it was done through the SPLA/M-appointed village leader.

d. Minimum Age for Employment of Children

The legal minimum age for workers is 16. This law is enforced in the official or wage economy, but poverty in Sudan produces widespread child labor in the informal economy. In rural areas, children from a very young age assist their families with agricultural work.

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e. Acceptable Conditions of Work

Although Sudanese laws prescribe health and safety standards, working conditions are generally poor and enforcement of environmental standards is minimal. Unemployment and underemployment are major problems in Sudan, especially among young people. Even graduates of prestigious schools have difficulty finding employment after graduation.

Sudan limits the legal opportunities for employment for refugees to menial or marginally skilled jobs. Fortunate refugees find employment with an international organization, but most are forced to take jobs far below their training or abilities. Rural refugees often find work as field laborers, earning the equivalent of a few pennies a day. Urban refugees find employment as day laborers or domestic help. The lack of legal opportunities to earn a living wage forces many into illegal activities such as smuggling, black-marketeering, moonshining, and prostitution.

The workweek is currently limited to 6 days and 48 hours, with 1 day of rest on Friday. After the coup, the Omar Government announced it was considering adopting a 5-day workweek. Laborers receive an extra month's pay for each year's labor. Most workers are given allowances for transportation, and some receive housing allowances. Labor standards are enforced in the public and private official economies but not in rural areas or in the informal economy. The minimum wage remains at the 1988 level of $67 per month at the official exchange rate. This salary is far from sufficient for subsistence in urban areas, and workers often must rely on farming, second jobs, or help from the extended family. Salaries in private industry are generally higher than those in the public sector.